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GOVERNMENT OF MYSORE

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 3856—L.W. 224-52-5, Bangalore, dated the 11th October 1952.

Labour Disputes—Dispute between Workers and Management of the Steel Construction Co., Ltd., Bangalore:—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:—

(1) Letter no. nil, dated 22nd September 1952 from Sri B. R. Ramalingaiah, M.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 13th September 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L.	...	... *Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	...	... *Member.*
Sri K. Shamaraja Iyengar, B.A.	...	... *Member.*

I. C. 16—1951-52.

INDUSTRIAL DISPUTE BETWEEN THE WORKERS AND THE MANAGEMENT OF THE STEEL CONSTRUCTION CO., BANGALORE.

AWARD.

Complaint No. 1/52-53.

It is a complaint under Section 33(A) of the Industrial Disputes Act, 1947, filed by complainant Keshavan Pillai, Token No. 16, Machine Shop, Steel Construction Co., Bangalore City. The complainant has alleged that he has been working in the Respondent Company for the past 2½ years on a monthly salary of Rs. 29 with Dearness Allowance of Rs. 18 per mensem and that on 8th July 1952, the Managing Director of the Respondent Company without enquiry and without even making any charges and without allowing the complainant to defend himself discharged him from service and that his discharge in these circumstances during the pendency of the case is illegal as it is opposed to the provisions of Section 33 of the Industrial Disputes Act, as the Respondent has not obtained prior written permission of the Tribunal to do so.

In the course of his objection statement the Respondent admits having discharged the complainant without the prior written permission of this Tribunal as per section 33 of the said Act. But, contends that as the complainant misconducted himself, the Respondent dismissed him.

As per section 33 of the Industrial Disputes Act, the Management (Respondent) could not have dismissed the complainant without the prior written permission of the Tribunal during the pendency of the said industrial disputes case. Hence, as rightly contended by the complainant, his dismissal contravenes Section 33, clause (b) of the said Act and hence he is entitled to be restored to the position he occupied before he was illegally dismissed under the circumstances set out above. For the reasons stated above we allow the complaint and direct that the order of the Respondent discharging him from service from 8th July 1952, is set aside and we direct that the Respondent should reinstate the complainant to the post which he held during the time of his discharge, if he applies within 15 days after this Award becomes enforcible, and we further direct that the Respondent should pay to the complainant his monthly salary at Rs. 29 with D A. of Rs. 18 from 8th July 1952, till this date. The Award shall be submitted to Government for publication in the Official Gazette under Section 17 of the Industrial Disputes Act.

B. R. RAMALINGAIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

ORDER No. L.S. 3856—L.W. 224-52-5, DATED 11TH OCTOBER 1952,

WHEREAS under Section 33-(A) of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), a complaint was made by Sri Kesavan Pillai, Token No. 16, Steel Construction Co., Bangalore, to the Industrial Tribunal, Bangalore, that the Management of the said Steel Construction Co. has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby directs that the said Award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.